

MEETING REPORT NO. 24

PROJECT: **Town of Needham Downtown Study**

DATE: 07 January 2008

LOCATION: Town Hall

PRESENT: Downtown Study Committee (DSC)

Bob Smart	Cochair, DSC Committee
Lee Newman	Planning Director
Alexandra Clee	Assistant Planner
Joyce Moss	Economic Development Officer
Jeanne McKnight	Planning Board & League of Women Voters

Planning Board

Devra Bailin

Community Opportunities Group (COG)

Judi Barrett

DiNisco Design Partnership (DDP)

Jon Oxman

1. PURPOSE

- 1.1. The purpose of this meeting was to review the proposed approach for structuring the new zoning regulations and the working assumptions upon which the new regulations will be based.

2. DRAFTING OF NEW ZONING REGULATIONS

- 2.1. Judi Barrett led a discussion on issues to address in the drafting of new zoning regulations, following the list of topics in the attached memo. See also the attached Table of Proposed Dimensional Standards referred to in this discussion.

2.2. Discussion:

2.2.1. Structure & Approach

- Mapped overlay districts will be created for Center and Chestnut Street Business Districts to allow flexibility in designating different dimensional standards in different portions of these Districts.
- Existing zoning for the Highland Business District will be amended. Changes will include replacing lot coverage maximums with FAR maximums and revising allowed uses. The recommendations in the Highland Avenue Planning Project (1992) will serve as a guide to these changes.

- Projects in the mapped overlay district will come under a special permit process to be consolidated with any other existing special permit procedures. The Planning Board will be the designated permit granting authority in all cases.
- 2.2.2. Parcel Assembly – As noted in the Table of Proposed Dimensional Standards, the minimum lot size is proposed to be increased from 10,000 SF to 20,000 SF. DDP will also make a recommendation on increasing the minimum frontage requirement at Judi Barrett's suggestion.
- 2.2.3. Parking
- Judi Barrett recommended
 - Reducing the parking requirements (such as exempting small retail stores and reduced parking requirements for upper floors) and / or providing alternatives including providing leased nearby parking and / or payment into a parking fund. In addition to a public parking structure, the parking fund could be used for parking enforcement and / or management / consolidation of existing off-street parking.
 - Providing a formula for number of required parking spaces in zoning regulations rather than placing burden of proof on each development project.
 - Below grade parking should not be included in calculating maximum FAR.
 - Off-Street parking requirements for residential use will be specified, which the current by-law does not include.
 - It was suggested that the new zoning allow a separate parking structure as an accessory building.
 - More feedback is needed from DSC members on parking requirements for the new zoning regulations. Feedback will be collected and forwarded to Judi Barrett.
- 2.2.4. Use Regulations
- Housing is currently not allowed on the ground floor of buildings in the study area. The new regulations could allow this provided it does not occupy ground floor space at those locations where commercial activity is considered more desirable.
 - Outdoor Merchandise Displays – It was requested that Judi Barrett prepare new regulations allowing outdoor display of merchandise. The DSC may decide to pursue the revision of this regulation separately.
- 2.2.5. Affordable Housing – Judi Barrett suggested that the incentive for affordable housing should be the exclusion of provided affordable housing space from the calculation of maximum FAR. She also recommended that there should not be a requirement for affordable housing in small mixed-use developments.

3. NEXT STEPS

- 3.1. First Draft of Proposed New Zoning Regulations to Zoning Working Group by 01/22/08.
 - 3.2. Zoning Regulation Working Meeting at 7:45 AM, date TBD, either Monday 01/28/08 or Wednesday 01/30/08.
 - 3.3. DSC Meeting, date TBD, to be scheduled week of 02/04/08.
 - 3.4. In response to a question from Judi Barrett, Lee Newman said she anticipates bringing new zoning regulations to a Special Town Meeting in the fall of 2008.

The discussions of this meeting are recorded as understood by the writer. Please advise the writer of any omissions or corrections.

Jon Oxman AIA
DiNISCO DESIGN

JAO/

JAO/

cc: DSC
Judi Barrett
Kenneth DiNisco
Richard Rice

Enclosures: 1. Memo: Discussion Topics for Zoning Regulations Working Meeting (01/07/08)
2. Chart Table of Proposed Dimensional Standards (12/11/07)

DISCUSSION TOPICS

Needham Center Zoning Regulations Working Meeting

7 January 2008

Judi Barrett, Community Opportunities Group, Inc.

1. Structure and Approach. I see the following options for structuring the new zoning regulations. Some of these options could be combined.
 - a) Modify the dimensional regulations of the existing districts and incorporate the proposed design standards within the requirements for site plan review. This would require amendments to the Zoning Bylaw but no changes to the Zoning Map. The town could offer the additional height, FAR and other development privileges as of right, subject to certain design and performance standards (such as a recessed façade), or limit some options to a special permit.
 - b) Create mapped overlay districts for the Center Business District and sub-areas within the Chestnut St. District, each with special use, dimensional and design regulations as set forth in the Concept Plan. This would involve amendments to the Zoning Bylaw and Zoning Map, i.e., each area shown in the Concept Plan would be identified on the Zoning Map as an overlay district.
 - c) Establish special regulations for a “Major Redevelopment Project” special permit in the three business districts (and possibly the overlays). The special regulations would govern projects seeking to utilize the higher density standards outlined in the Concept Plan, establish minimum requirements for approval, e.g. compliance with the design standards, underground parking, or provision of public benefits such as affordable housing. Further, the special regulations could include supplemental standards of review for Major Project Site Plan Review under Section 7.4.
 - d) Establish a special permit process similar to Needham’s existing Section 6.6, Complex Developments (in the Avery Square and Hillside Avenue Business Districts). Unlike the concept outlined in (c) above, the Complex Developments bylaw sets “adverse impact” thresholds that an applicant may not exceed. I’d like to know how this bylaw has worked in Needham before recommending it as a model to follow, but the underlying concept has lots of merit: define unacceptable impacts and let the applicant determine how to design a project that avoids them.

Do you see other options that I've overlooked?

2. Redevelopment Expectations. Is the town’s primary goal to *enable* or *encourage* redevelopment? How far is Needham willing to go to make redevelopment happen?
 - a) The proposed FAR limits are quite generous for a suburban downtown and they suggest a policy of encouraging reinvestment. At issue is whether the new dimensional standards are sufficiently appealing to offset the perceived disadvantages of other requirements, e.g. the Concept Plan design standards, a site plan special permit (Major Project Site Plan Review), the town’s parking standards, and so forth.
 - b) Does the town also want to consider opportunities to reduce off-street parking requirements and simultaneously promote other planning objectives? Examples: an exemption for retail uses occupying less than 800 sq. ft. of floor area, reduced parking requirements for buildings in which more than 40% of the total floor area is located above the ground floor, allowing applicants to pay

a fee to an off-street parking fund when it is infeasible to provide all required parking on the premises?

- c) Does the town want to consider ways to streamline or consolidate some existing procedures in an effort to reduce permitting time? Examples: a pre-application scoping session to develop a permitting plan tailored to each project; or some joint or combined hearings, such as Planning Board and Design Review?
 - d) If the Needham Center Plan intends to embrace the principles of Smart Growth, how should the town administer a permitting process with decisions that are “fair, reasonable and cost-effective”?
3. Parcel Assembly. How important is parcel assembly to the town’s long-term goals for the study area? If it is very important, should the town consider both an increase in minimum lot area *and* an increase in minimum frontage?
 4. Use Regulations. Much attention has been paid to the dimensional regulations and design standards; what about use regulations?
 - a) Does the town have an appetite for allowing free-standing multi-family housing – with or without a “horizontal” mix that includes commercial uses?
 - b) Outdoor displays of merchandise in retail areas can be very important to the merchants. (We see them in Northampton and Lenox all the time!) Needham’s present zoning appears to prohibit this. Should the town allow outdoor display of retail goods for sale as an accessory use, subject to a series of requirements?
 - c) If the town opts for overlay districts, should the overlays simply adopt the underlying use regulations and add to them as appropriate – such as adding new rules for mixed-use development? Are there any uses in the underlying zones that should be discouraged or simply prohibited in the overlay districts?
 5. Affordable Housing. If Needham wants to require affordable housing in mixed-use developments or as a public benefit contribution from any type of project (even non-residential projects), there are several issues to consider.
 - a) First, I suggest keeping the density/dimensional rules as simple as possible: exclude the floor area devoted to affordable housing from the FAR computation for each project.
 - b) Second, requiring a special permit will help to assure that Needham can enforce the long-term affordability, monitoring and other requirements for units listed on the Subsidized Housing Inventory. However, if a project didn’t require a special permit for other reasons, imposing an affordable housing special permit will seem punitive to some applicants and may be counter-productive.
 - c) Third, I recommend allowing small mixed-use developments without an affordable housing requirement. Some developers will avoid pursuing a mixed-use project because they dislike, fear, or simply do not understand the affordable housing bureaucracy.

- d) Fourth, I recommend allowing applicants the option to provide off-site affordable units or pay a fee in lieu of units to an affordable housing fund. This raises an obvious question, though: has Needham adopted M.G.L. c.44, s. 55C or established a trust fund by special act of the legislature?
 - e) Finally, if implementing Needham's housing plan is part of the rationale for requiring affordable units, there are non-zoning actions the town could take to make the Needham Center Plan a more effective vehicle for affordable housing. For example, the town could use CPA funds to develop model documents (such as a "model" LIP Units Only application) so that applicants will not have to take responsibility for these kinds of details. The town also could use CPA funds to buy down purchase prices or invest in long-term rental subsidies (much like a Section 8 project subsidy) and make units affordable to a wider group of households.
6. Business District. My understanding is that neither an overlay district nor substantive changes to dimensional requirements will be proposed for the Business District on Highland Avenue. However, I seem to recall some discussion about replacing Section 4.4.2, Table 1 with one or more FAR standards for this district. What does the town want to do? The authors of the Business District zoning clearly intended to promote a particular form and mix of uses by providing the "sliding scale" of height and coverage regulations in Table 1. Do you want to leave Table 1 "as is" or update Section 4.4 so that the dimensional regulations for the Business District are more like the regulations in the other districts?
7. Master Plan. Does the town want to incorporate the Needham Center Plan into the new zoning regulations as a master plan for the area? It seems to me that each district ought to be guided by a statement of purposes and intent; incorporating the plan by reference into the Zoning Bylaw could give it more "staying power," help to streamline some of the zoning text and provide documentation for the standards applicants will be asked to meet.

Table of Proposed Dimensional Standards (12/11/07)

District	Minimum	Minimum	Minimum Setbacks			Maximum Setback (#1)	Maximum	Incentive(#2)	Maximum(#3)	Maximum Height	
	Lot Area	Lot Frontage	Front Yard	Rear Yard (#10)	Side Yard (#10)					Stories	Feet
Center Business District											
Existing	10,000 SF	80 FT	3 FT (#6)	50 FT (#11)	50 FT (#11)	None	1.0 (#5, #21)	1.2 (#8)	None	2 1/2 Stories	35 FT
Proposed	20,000 SF	80 FT	0 FT	50 FT (#11)	50 FT (#11)	0 FT	1.5 / 1.2 (#14)	1.7 / 1.4 (#14)	None	3+1 / 2+1 (#14)	48 / 37 FT (#14)
Chestnut Street Business District											
Existing	10,000 SF	80 FT	20 FT	50 FT (#11, #12)	50 FT (#11, #12)	None	0.7	None	None	2 1/2 Stories	35 FT
Proposed	20,000 SF	80 FT	0 FT	50 FT (#11, #22)	50 FT (#11, #22)	0 FT	1.5 / 0.7 (#23)	1.7 / 0.9 (#25)	None	3+1 / 2 1/2 (#23)	48 / 35 FT (#23)
Chestnut Street	20,000 SF	80 FT	0 FT	50 FT (#11, #22)	50 FT (#11, #22)	0 FT	1.5 / 0.7 (#23)	1.7 / 0.9 (#25)	None	3+1 / 2 1/2 (#23)	48 / 35 FT (#23)
Garden Street (#4)	20,000 SF	80 FT	10 FT	50 FT (#11)	N/A (#24)	20 FT	1.2	1.4 (#26)	None	2+1	37 FT
Highland Avenue Business District											
Existing	10,000 SF	80 FT	10 / 20 FT (#7)	None / 50 FT (#9)	None / 50 FT (#9)	None	None	See Table 1 (#13)	3 Stories	40 FT	
Proposed				--- Same as Existing, No Proposed Changes ---							
Medical Overlay District											
Existing	Same as Underlying District	20 FT (#15 & #17)	10 FT (#16, #17)	10 FT (#16)	None	1.0 (#20)	None	None	None	55 FT (#18, #19)	
Proposed				--- Same as Existing, No Proposed Changes ---							

NOTES:

- (#1) - Judi Barrett: Some communities have both a minimum and a maximum front yard setback. I've included both in case you plan to use them.
- (#2) - Judi Barrett: This is for any FAR incentive that may be offered for affordable units.
- (#3) - Judi Barrett: Not sure if you're planning on a coverage limit, but since the Highland Business District currently has coverage regulations I decided to include it.
- (#4) - The separate northern area of Chestnut Street Business District is renamed here as Garden Street District
- (#5) - Or FAR in existence on 01/01/90, whichever is greater
- (#6) - Or a setback consistent with average of setbacks of two adjacent buildings, whichever is smaller
- (#7) - 10 FT for lots zoned in a business district prior to 04/14/53 / 20 FT for all other lots
- (#8) - Where the use of a shared access eliminates the need of providing an individual driveway
- (#9) - 50 FT for lots changed to business district after 04/15/52 / None for all others
- (#10) - For Rear & side yards adjoining residential districts only
- (#11) - 25 FT closest to district boundary shall have no accessory use. Remaining 25 FT may be used for accessory use not including building or structure.
- (#12) - Where lot is adjacent to MBTA railroad right of way there shall be a 10 FT buffer suitably landscaped and not used for any other purpose.
- (#13) - See attached Table 1 from the existing Zoning By-Law
- (#14) - 3+1 Stories / 48 FT / 1.5 FAR for lots east of MBTA Railroad Right of Way with frontage on Great Plain Avenue, Chestnut Street or Dedham Avenue. 2 +1 Stories / 37 FT / 1.2 FAR for all other lots.
FAR excluding underground parking. See Zoning Concept Plan (11/30/07). Incentive FAR for affordable housing.
- (#15) - Except 25 FT from any street with travel way width exceeding 35 FT and except 30 FT from any street with travel way width less than 30 FT.
- (#16) - Except 20 FT from residential district not contained within Medical Overlay District & no setback where lot with medical use abuts another lot with medical use.
- (#17) - Parking structures with 4 or more parking spaces shall be set back minimum of 50 FT from any street with travel way width of less than 30 FT.
- (#18) - Portions of a building exceeding maximum building height in underlying zoning district shall be set back from any street with right-of-way width of less than 50 FT behind a 45 degree bulk control plane.
- (#19) - Not including mechanical penthouses that occupy not more than 30% of roof area & are set back from roof edge minimum distance equal to their height.
- (#20) - Exclusive of parking garages & interior, deck or rooftop parking portions of buildings.
- (#21) - Including underground parking. Planning Board may issue special permit in Center Business to exclude floor area of underground portion of building devoted to parking.
- (#22) - Where lot is adjacent to MBTA railroad right of way there shall be a 25 FT setback. The first 10 FT of the setback shall be a buffer suitably landscaped and not used for any other purpose.
- (#23) - 3+1 / 48 FT / 1.5 FAR Stories for lots with frontage on Chestnut Street. 2 1/2 Stories / 35 FT / 0.7 FAR for all other lots.
FAR excluding underground parking. See Zoning Concept Plan (11/30/07). Incentive FAR for affordable housing.
- (#24) - There are no lots in the Garden Street District with rear yards adjoining Residential Districts.
- (#25) - Incentive FAR for affordable housing: 1.7 for lots with frontage on Chestnut Street, 0.9 for all other lots.
- (#26) - Incentive FAR for affordable housing.